

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|------------------------|---|---------------------|
| ALEXIS DEKANY, |) | CASE NO. 5:16CV1829 |
| |) | |
| Plaintiff, |) | JUDGE JOHN R. ADAMS |
| |) | |
| -vs- |) | |
| |) | |
| CITY OF AKRON, et al., |) | <u>ORDER</u> |
| |) | |
| |) | |
| Defendants. |) | |

Pending before the Court is Plaintiff Alexis Dekany's motion for a protective order. Doc. 146. Within her motion, Dekany seeks to avoid disclosing certain mental health records. Specifically, Dekany contends that the records are protected by Fed. R. Evid. 412 and Ohio's Rape Shield Law. Defendants have opposed the motion.

Dekany's motion is DENIED. First, Rule 412 deals with the *admissibility* of evidence. As such, Dekany cannot rely upon it to prevent *discovery* of the information. Moreover, even if Rule 412 were applicable at this stage of the proceedings, it only prohibits admission of evidence "offered to prove that a victim engaged in other sexual behavior" or "offered to prove a victim's sexual predisposition." As this Court has previously noted, the evidence sought by Defendants is tied directly to Dekany's allegations of damages related to emotional distress. As such, there is no indication that any Defendant will seek to introduce the information for an improper purpose. Should such an attempt occur, the Court would rely on Rule 412 to prevent use of these records in that manner.

Accordingly, Dekany's motion for a protective order is DENIED. Unredacted versions of the records at issue shall be provided to Defendants by no later June 16, 2017.

IT IS SO ORDERED.

Dated: June 14, 2017

/s/ John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE